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SUBJECT: TURKMEN ELECTION OFFICIALS AND NGO REPS EXCHANGE
VIEWS WITH REGIONAL IFES REPS

Classified By: Charge d'Affaires a.i. Richard M. Miles. Reasons 1.4 (B)
) and (D).

11. (SBU) SUMMARY: During a December 2-4 working visit to Ashgabat, representatives from the International Foundation for Electoral Systems ("IFES") met with officials of the Central Election Commission ("CEC"), as well as other international organizations and local contacts, to discuss international election standards in advance of the upcoming parliamentary ("Mejlis") elections. In large part, their discussions centered on sharing IFES' experience working in neighboring countries, as well as fact-finding about the situation in Turkmenistan. CEC officials provided an overview of the Mejlis elections and were particularly interested in discussing methods and logistics for training election officials and strategies for election public awareness campaigns. NGOs highlighted legal and electoral challenges. The UNDP deputy resident representative presented positive results from its program to improve election systems and the electoral legal framework in Turkmenistan, but emphasized the need for a gradual approach that is attuned to Turkmen sensitivities. END SUMMARY.

CEC CHAIRMAN'S OVERVIEW OF UPCOMING MEJLIS ELECTIONS

12. (SBU) On December 2, Azerbaijan-based IFES Country Director Dan Blessington and Kyrgyzstan-based IFES Chief of Party Dan Malinovich met with members of the CEC, led by Chairman Murat Garriyev, to discuss international electoral practices. The chairman began the meeting with an overview of the upcoming December 14 elections for deputies to the Mejlis. He highlighted President Berdimuhamedov's invitation to foreign election observers, saying observers will be allowed to visit any place in the country, with prior notice. He affirmed that the elections will be conducted at a "high democratic level." Although there is only a single political party, Garriyev noted that mass organizations had been invited to nominate candidates, without discrimination on the basis of ethnicity, religion or party affiliation. Elections will be organized like a festive event, with voting hours lasting from 0800 until 1800.

NEW PROVISIONS AFFECTING THE ELECTIONS

13. (SBU) Garriyev highlighted the new provision in the election law that will allow Turkmen citizens overseas to vote at their embassies. He also noted that a "very democratic change had been adopted" that gives pre-trial detainees the right to vote, a development that he described as a "big step forward in the democratic process in Turkmenistan." The elections will be conducted on a single mandate basis, with the number of districts expanded from 50 to 125. New electoral district boundaries were drawn by "division committees" to allow between 1800 and 2000 voters in each district. Garriyev suggested that, as a result of the smaller, more numerous districts, polling stations have "come closer to the voters." Negative voting, i.e. the crossing out of all undesired candidates' names on the ballot, has also been eliminated. On the subject of election commissions, Garriyev pointed out that experienced members usually serve for a long time, providing the benefit of accumulated experience. Malinovich mentioned an unsuccessful experiment in Kyrgyzstan which produced fifty percent turnover in election commissions between elections. This "experiment" led to problems due to the lack of experience of commission members and has since been reversed. Garriyev responded that commission members must be experienced in order to have the confidence of the voters.

DETAILS ABOUT THE NOMINATION PROCESS

14. (SBU) According to Garriyev, there were independent candidates for seats in the Mejlis, although he was not able to say how many. The nomination procedure requires 200

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residents of the electoral district to organize as a group to support the candidacy. Supporters cannot just be "passers-by." The list of 200 supporters is brought to the municipal authorities, which is supposed to help arrange a meeting of the group and confirm that all are registered voters in the district. At the end of the nomination period, the district election commission signed a protocol listing the eligible candidates with biographical information and a description of their respective platforms. The information was published in regional newspapers.

IFES' WORK IN NEIGHBORING COUNTRIES EXPLAINED

15. (SBU) Blessington provided an overview of IFES' work in Azerbaijan, which focused on enforcement of the election code, training of election officials and a range of methods of voter education. Garriyev asked detailed questions about how voter education was conducted, how trainers were chosen, prepared and dispatched and the relationship between the Azerbaijan CEC and IFES. Malinovich emphasized the importance of working with local partners and finding out what they wanted to accomplish. He provided samples of training materials such as posters, a book containing detachable election-related forms and various publications, all of which were examined with interest by Garriyev and the other CEC members.

ABA ATTORNEYS DESCRIBE CORRUPT LEGAL SYSTEM

16. (C) Later the same day, the IFES representatives discussed American Bar Association (ABA) programs with ABA Staff Attorneys Seyran Soltanov and Elnara Agayeva, particularly in the area of legal assistance and observations on the level of fairness Turkmen citizens can expect in the courtroom. Soltanov compared Turkmen courts to Azerbaijan's model, a closed system consisting of two jury members and a judge. He added that the cost of a bribe depends on the case, which ABA is beginning to analyze. ABA is not yet providing training or free legal help because of budgetary constraints. They hope for future involvement in the development of an arbitration court system which is tied to the government's call for private sector development, as well as a role in election systems through legislative training given to target groups. They mentioned that Murad Atabayev of Ahal province

is running for parliament as an independent candidate.

DOMESTIC ELECTION OBSERVERS FEW IN NUMBER

17. (C) Blessington and Malinovich also met with Zoya Prous and Ogulnabat Babayeva of the independent, unregistered group Perspektiva. Prous, an economist, and Babayeva, a lawyer, formed this group with post's frequent interlocutor Murad Haitov -- also a lawyer -- three years ago in order to give training programs and seminars on a range of legal issues, including human trafficking for organizations such as ABA and the UN High Commissioner on Human Rights. The group's members' status as alumni of U.S. International Visitor programs allows them to work without registration. Prous and Babayeva said that the presidential election in early 2007 was conducted "fairly," with all five candidates receiving equal coverage on television. They also explained that Turkmenistan trains domestic election observers to file post-election reports on irregularities such as family voting. The observers are also required to observe ballot counting. Prous and Babayeva thought the new election law still needed work because it favored government candidates.

UNDP HAS SEEN "ENORMOUS PROGRESS"

18. (C) UNDP Deputy Resident Representative Inita Paulovica described a UNDP institutional support project for improving election systems and the legal framework. She noted "enormous progress" over the course of the one-year old project. The new election law included 20 points that

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brought it closer to international standards. The work plan involved a legislative working group that brought together Turkmen officials with UNDP and OSCE experts. The experts explained the kinds of provisions that should be included, after which the Turkmen prepared their own draft. UNDP did not have an opportunity to comment on the document prepared by the Turkmen. Next year, the UNDP project will work on a unified electoral code that compiles all election-related laws. Turkmenistan still uses a Soviet-era law that has not been harmonized with its subsequent election-related laws.

19. (C) Paulovica said UNDP takes a long-term view of the elections project. The GOTX developed training guides and materials for election officials and conducted cascade training through the various levels of election commissions. During the course of the training sessions, participants engaged in non-stop questions and discussions, a phenomenon that Paulovica said was a stark contrast to the Niyazov period, when attendees sat with their arms folded. They even spoke out in front of foreign trainers, identifying omissions in the law. Paulovica acknowledged that the current environment was "not enabling" for fully democratic elections, but her view was that "if the Turkmen get the procedures right, they will be in place when the democratic possibility improves." She also pointed out that Turkmenistan has no functioning political party system, no platforms, etc. and that the current structure is based on the traditional Turkmen political structure of respect for the authority of elders and family ties. Although political parties are allowed by the Turkmen constitution, there is no law on political parties. Paulovica suggested that, perhaps with a legal framework, some individuals might be interested in forming a political party.

110. (C) She continued that it is tough to counter family voting when voters don't think that the election is important -- that they, as voters, can make a difference. This attitude underscores the need for voter education, so that people would see that choosing candidates can make a difference. UNDP work on electoral systems and local government could reinforce the perception that voting is meaningful and important during the local council elections scheduled for June 2009. Paulovica recounted that, during training carried out with local council members, the members commented with

amazement when they realized how important it is to work with local constituents in order to get ideas and implement programs.

HOW TO WORK WITH THE TURKMEN

¶11. (C) Paulovica shared some advice on working with Turkmen based on her experience. She said the current Turkmen way of doing things is the norm because, due to their isolation, they don't know any other way of doing things. They need to get out and see how the rest of the world functions. She emphasized that Turkmen are keen to learn from examples. In starting up a parliamentary support program next year, UNDP will pursue a step-by-step process. The first task will be to create a safe environment and dialogue, without conditionalities or foreign lecturers. Rather, experts will present international standards and examples, and let the Turkmen draw their own lessons. According to Paulovica, "imported change will not be adopted here, but you have to push in order to test the limits."

¶12. (C) COMMENT: The IFES representatives received a warm welcome from Turkmen officials. Mention of their visit was included in a front page article on election preparations in the leading daily newspaper. The CEC officials were clearly engaged during the discussion of IFES' work in neighboring countries, reinforcing Paulovica's point that Turkmen learn best from examples. They were fascinated by the manuals, codes and other materials that they were given, discussing the items among themselves and asking detailed questions

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about how to set up a training program. That said, Turkmen hospitality is often just that - hospitality. The Turkmen have chosen to work with the UN on electoral reform, because, as Paulovica told us separately, "the UN never criticizes and only offers suggestions." Consequently, both Garriyev and Institute for Democracy and Human Rights Director Shirin Akhmedova told us that the Turkmenistan government has decided to work exclusively with UNDP on electoral reform.
END COMMENT.
MILES